



BEST AVAILABLE COPY

#4
YC

12-11-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

DEC 05 2002

TECH CENTER 1600/2900

In re application of: Ferguson

Serial No.: 09/852,519

Group No.: 1617

Filed: May 10, 2001

Examiner: S. Sharareh

For: MORE EASILY VISUALIZED PUNCTUM PLUG CONFIGURATIONS

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the restriction requirement dated September 24, 2002, Applicant elects Group I (claims 1-8) with traverse. The Examiner states that inventions I and II are "distinct" because "in the instant case, the position of punctuam [sic] plug can be practiced by a system with [sic] unaided eye." Apart from the fact that there is absolutely no support or foundation for this comment by the Examiner, claim 9 makes direct reference to "the punctum plug of claim 1." As such, at the very least, the Examiner should be examining claims 1-15.

Respectfully submitted,

By:

John G. Posa
Reg. No. 37,424
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, PC
280 N. Old Woodward Ave., Ste 400
Birmingham, MI 48009
(734) 913-9300 FAX (734) 913-6007

Date: Nov. 26, 2002